



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant: Marino, *et al.*

Serial No.: 10/698,966

Filed: October 31, 2003

For: SPINAL DISC IMPLANT

Attorney Docket No.: 5259-11100US01

Examiner: Brian E. Pellegrino

Group Art Unit: 3738

Certificate of Mailing 37 CFR §1.8(a):

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

MS Amendment  
Commissioner for Patents  
Attn: Examiner Brian E. Pellegrino  
P. O. Box 1450  
Alexandria, VA 22313-1450, on:

Date of Deposit: February 28, 2007

*Karen R. Smith* 2/28/07  
Karen R. Smith

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in 37 C.F.R. §1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance, and is accompanied by the Petition fee of \$180.00 as specified under 37 C.F.R. §1.97(c). Applicants respectfully petition and request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. Copies of the listed documents are attached.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicants hereby authorize the Commissioner to charge the appropriate Petition fee of \$180.00 to Deposit Account No. 01-0025. The Commissioner also is authorized to charge our Deposit Account any additional fees (or credit any over payments) that may be required under 37 C.F.R. §§ 1.16 and 1.17 in association with this communication for which full payment has not been tendered. A duplicate of this sheet is enclosed.

03/06/2007 CNGUYEN2 00000104 010025 10698966  
02 FC:1806 180.00 DA

ABBOTT LABORATORIES  
Customer Number: 23492  
Telephone: (512) 533-1945  
Facsimile: (512) 597-4275

Respectfully submitted,  
Marino, *et al.*

*Michael L. Woods*  
Michael L. Woods  
Registration No. 50,811  
Attorney for Applicants

## Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(Modified) PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
5159-11100US01SERIAL NO.  
10/698,966INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT  
Marino, et al.FILING DATE  
October 31, 2003GROUP  
3738

(37 CFR 1.98 (b))

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A1	3	8	6	7	7	2	8	02/25/75	Stubstad, et al.			
	A2	4	3	0	9	7	7	7	01/12/82	Patil			
	A3	4	3	4	9	9	2	1	09/21/82	Kuntz			
	A4	4	7	5	9	7	6	6	07/26/88	Buettner-Janz, et al.			
	A5	4	7	5	9	7	6	9	07/26/88	Hedman, et al.			
	A6	4	7	7	2	2	8	7	09/20/88	Ray, et al.			
	A7	4	8	6	3	4	7	7	09/05/89	Monson			
	A8	4	9	1	1	7	1	8	03/27/90	Lee, et al.			
	A9	4	9	3	2	9	7	5	06/12/90	Main, et al.			
	A10	4	9	4	6	3	7	8	08/07/90	Hirayama, et al.			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							PUB. DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A11	2002/0128714							09/12/2002	Manasas, et al.			
	A12	2002/0130112							09/19/2002	Manasas, et al.			
	A13	2003/0018390							01/23/2003	Husson			
	A14	2004/014332							07/22/2004	Krueger, et al.			

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRAN- SLATION	
													YES	NO
	B1	2	7	9	9	6	3	8	20.04.2001	FR				
	B2	0	0	0	4	8	5	1	03.02.2000	WO				
	B3	0	0	7	4	6	0	6	14.12.2000	WO				
	B4	0	1	0	1	8	9	3	11.01.2001	WO				
	B5	0	1	1	9	2	9	5	22.03.2001	WO				

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	C1		Viscogliosi, et al., Spine Arthroplasty, 1-215 (2001)
--	----	--	---

EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)

## Form PTO - 1449 (Modified)

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)  (37 CFR 1.98 (b))	<b>ATTY. DOCKET NO.</b> <b>5159-11100US01</b>	<b>SERIAL NO.</b> <b>10/698,966</b>
	<b>APPLICANT</b> <b>Marino, et al.</b>	
	<b>FILING DATE</b> <b>October 31, 2003</b>	<b>GROUP</b> <b>3738</b>

## U.S.PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A15	5	0	4	7	0	5	5	09/10/91	Bao, et al.			
	A16	5	0	7	1	4	3	7	12/10/91	Steffee			
	A17	5	1	0	8	4	3	8	04/28/92	Stone			
	A18	5	1	2	3	9	2	6	06/23/92	Pisharodi			
	A19	5	1	7	1	2	8	1	12/15/92	Parsons, et al.			
	A20	5	1	9	2	3	2	6	03/09/93	Bao, et al.			
	A21	5	2	4	6	4	5	8	09/21/93	Graham			
	A22	5	2	5	8	0	3	1	11/02/93	Salib, et al.			
	A23	5	3	0	6	3	0	7	04/26/94	Senter, et al.			
	A24	5	3	0	6	3	0	9	04/26/94	Wagner, et al.			
	A25	5	3	1	4	4	7	7	05/24/94	Marnay			
	A26	5	3	2	0	6	4	4	06/14/94	Baumgartner			
	A27	5	3	7	0	6	9	7	12/06/94	Baumgartner			
	A28	5	4	0	1	2	6	9	03/28/95	Buettner-Janz, et al.			
	A29	5	4	2	5	7	7	3	06/20/95	Boyd, et al.			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(Modified) PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
5159-11100US01SERIAL NO.  
10/698,966INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT  
Marino, *et al.*FILING DATE  
October 31, 2003GROUP  
3738

(37 CFR 1.98 (b))

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A30	5	4	5	8	6	4	2	10/17/95	Beer, <i>et al.</i>			
	A31	5	4	5	8	6	4	3	10/17/95	Oka, <i>et al.</i>			
	A32	5	5	1	4	1	8	0	05/07/96	Heggeness, <i>et al.</i>			
	A33	5	5	2	2	8	9	9	06/04/96	Michelson			
	A34	5	5	3	4	0	2	8	07/09/96	Bao, <i>et al.</i>			
	A35	5	5	3	4	0	3	0	07/09/96	Navarro, <i>et al.</i>			
	A36	5	5	5	6	4	3	1	09/17/96	Buettner-Janz			
	A37	5	5	6	2	7	3	8	10/08/96	Boyd, <i>et al.</i>			
	A38	5	6	7	4	2	9	4	10/07/97	Bainville, <i>et al.</i>			
	A39	5	6	7	6	7	0	1	10/14/97	Yuan, <i>et al.</i>			
	A40	5	6	7	6	7	0	2	10/14/97	Ratron			
	A41	5	6	8	3	4	6	4	11/04/97	Wagner, <i>et al.</i>			
	A42	5	6	8	3	4	6	5	11/04/97	Shinn, <i>et al.</i>			
	A43	5	7	0	2	4	5	0	12/30/97	Bisserie			
	A44	5	7	5	5	7	9	7	05/26/98	Baumgartner			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE  
(Modified) PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
5159-11100US01SERIAL NO.  
10/698,966INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICANT

Marino, *et al.*

(Use several sheets if necessary)

FILING DATE

October 31, 2003

GROUP

3738

(37 CFR 1.98 (b))

## U.S.PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A45	5	7	8	2	8	3	2	07/21/98	Larsen, <i>et al.</i>			
	A46	5	8	0	0	5	4	9	09/01/98	Bao, <i>et al.</i>			
	A47	5	8	2	4	0	9	3	10/20/98	Ray, <i>et al.</i>			
	A48	5	8	2	4	0	9	4	10/20/98	Serhan, <i>et al.</i>			
	A49	5	8	2	7	3	2	8	10/27/98	Buttermann			
	A50	5	8	6	1	0	4	1	01/19/99	Tienboon			
	A51	5	8	6	5	8	4	6	02/02/99	Bryan, <i>et al.</i>			
	A52	5	8	8	8	2	2	0	03/30/99	Felt, <i>et al.</i>			
	A53	5	8	8	8	2	2	6	03/30/99	Rogozinski			
	A54	5	8	9	3	8	8	9	04/13/99	Harrington			
	A55	5	8	9	5	4	2	7	04/20/99	Kuslich, <i>et al.</i>			
	A56	5	8	9	5	4	2	8	04/20/99	Berry			
	A57	5	8	9	9	9	4	1	05/04/99	Nishijima, <i>et al.</i>			
	A58	5	9	6	1	5	5	4	10/05/99	Janson, <i>et al.</i>			
	A59	5	9	7	6	1	8	6	11/02/99	Bao, <i>et al.</i>			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)

## Form PTO - 1449 (Modified)

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)  (37 CFR 1.98 (b))	<b>ATTY. DOCKET NO.</b> <b>5159-11100US01</b>	<b>SERIAL NO.</b> <b>10/698,966</b>
	<b>APPLICANT</b> <b>Marino, et al.</b>	
	<b>FILING DATE</b> <b>October 31, 2003</b>	<b>GROUP</b> <b>3738</b>

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A60	5	9	8	4	9	6	7	11/16/99	Zdeblick, et al.			
	A61	6	0	0	1	1	3	0	12/14/99	Bryan, et al.			
	A62	6	0	1	9	7	9	2	02/01/2000	Cauthen			
	A63	6	0	2	2	3	7	6	02/08/2000	Assell, et al.			
	A64	6	0	3	9	7	6	3	03/21/2000	Shelokov			
	A65	6	0	9	3	2	0	5	07/25/2000	McLeod, et al.			
	A66	6	1	1	0	2	1	0	08/29/2000	Norton, et al.			
	A67	6	1	1	3	6	3	7	09/05/2000	Gill, et al.			
	A68	6	1	3	2	4	6	5	10/17/2000	Ray, et al.			
	A69	6	1	3	6	0	3	1	10/24/2000	Middleton			
	A70	6	1	3	9	5	7	9	10/31/2000	Steffee, et al.			
	A71	6	1	4	6	4	2	1	11/14/2000	Gordon, et al.			
	A72	6	1	5	6	0	6	7	12/05/2000	Bryan, et al.			
	A73	6	1	6	2	2	5	2	12/19/2000	Kuras, et al.			
	A74	6	1	6	5	2	1	8	12/26/2000	Husson, et al.			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

EXAMINER	DATE CONSIDERED		

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO - 1449 (Modified)

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)  (37 CFR 1.98 (b))	<b>ATTY. DOCKET NO.</b> <b>5159-11100US01</b>	<b>SERIAL NO.</b> <b>10/698,966</b>
	<b>APPLICANT</b> <b>Marino, et al.</b>	
	<b>FILING DATE</b> <b>October 31, 2003</b>	<b>GROUP</b> <b>3738</b>

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A75	6	1	7	9	8	7	4	01/30/2001	Cauthen			
	A76	6	1	8	7	0	4	8	02/13/2001	Milner, et al.			
	A77	6	2	0	6	9	2	4	03/27/2001	Timm			
	A78	6	2	1	4	0	4	9	04/10/2001	Gayer, et al.			
	A79	6	2	2	8	1	1	8	05/08/2001	Gordon			
	A80	6	2	9	6	6	6	4	10/02/2001	Middleton			
	A81	6	3	1	5	7	9	7	11/13/2001	Middleton			
	A82	6	3	3	1	1	7	9	12/18/2001	Freid, et al.			
	A83	6	3	4	8	0	7	1	02/19/2002	Steffee, et al.			
	A84	6	3	6	8	3	5	0	04/09/2002	Erickson, et al.			
	A85	6	3	7	1	9	9	0	04/16/2002	Ferree			
	A86	6	3	9	5	0	3	2	05/28/2002	Gauchet			
	A87	6	3	9	5	0	3	4	05/28/2002	Suddaby			
	A88	6	4	0	2	7	8	4	06/11/2002	Wardlaw			
	A89	6	4	0	2	7	8	5	06/11/2002	Zdeblick, et al.			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)


EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Form PTO - 1449 (Modified)

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)  (37 CFR 1.98 (b))	<b>ATTY. DOCKET NO.</b> <b>5159-11100US01</b>	<b>SERIAL NO.</b> <b>10/698,966</b>
	<b>APPLICANT</b> <b>Marino, et al.</b>	
	<b>FILING DATE</b> <b>October 31, 2003</b>	<b>GROUP</b> <b>3738</b>

## U.S.PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE
	A90	6	4	1	9	7	0	4	07/16/2002	Ferree			
	A91	6	4	4	0	1	6	8	08/27/2002	Cauthen			
	A92	6	4	5	4	7	6	9	09/24/2002	Wagner, et al.			
	A93	6	4	7	8	8	2	2	11/12/2002	Leroux, et al.			
	A94	6	4	8	2	2	3	4	11/19/2002	Weber, et al.			
	A95	6	5	2	0	9	9	6	02/28/2003	Manasas, et al.			

## US PUBLISHED APPLICATIONS

(Note: Applicant is not required to submit a paper copy of cited US Published Applications)

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

## FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER							PUBLI- CATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION	
													YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)